

AGENDA



**CITY OF NEWPORT BEACH
ENVIRONMENTAL QUALITY AFFAIRS
COMMITTEE**

DATE/TIME: Monday, March 17, 2008 - 7:00 p.m.

**LOCATION: Police Department Auditorium
870 Santa Barbara Drive**

Roll Call

1. Minutes of February 25, 2008 (*draft minutes attached*)
2. Report from subcommittee on Hyatt Regency Hotel, and review and approval of comments on Draft EIR (*Attachments*)
3. Discussion of EQAC Mission, recommendations to City Council on changes to Resolution establishing EQAC (*Attachment*)
4. Discussion of Draft Strategic Plan for Green Building Working Committee (*Attachment*)
5. Economic Development Committee Representative's Report
6. Coastal/Bay Water Quality Committee Representative's Report
7. Report from Staff on Current Projects
8. Public Comments
9. Future Agenda Items
10. Adjournment

NEXT MEETING DATE: April 21, 2008



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DRAFT MINUTES 2-25-08

Minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on **Monday, February 25, 2008.**

Members Present:

X	Nancy Gardner, Council Member		Sandra Haskell
	Michael Henn, Council Member		Barry Allen
X	Bruce Asper		Kristine Adams
X	Dolores Otting, Vice Chair		Susan Knox - <i>excused</i>
	Kimberly Jameson		Arlene Greer - <i>excused</i>
	Matt Wiley	X	Timothy Stoaks
X	Brent Cooper		Jennifer Winn
X	Laura Dietz		Ray Halowski - <i>excused</i>
	Kenneth Drellishak, Chair	X	Barbara Thibault
	Laura Curran		Merritt Van Sant
X	Michael Smith	X	Robert Rush
X	Michael Pascale	X	John Moftakhar

Staff Representatives:

Guests:

	Ass't City Mgr. Sharon Wood	
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Chairperson Ken Drellishak called the meeting to order at 7:02 p.m.

Brent Cooper announced that he has accepted the position of Community Development Director for the City of American Canyon, and is resigning from EQAC.

- Minutes of January 14, 2008

Kristine Adams noted that her absence was excused. Dolores Otting moved to approve the minutes, with that correction. Bruce Asper seconded the motion.

Motion passed unanimously

- Presentation on Hyatt Regency Hotel

AGENDA

*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Once there, click on ***City Council***, then scroll to and click on ***Agendas and Minutes*** then scroll to and click on ***Environmental Quality Affairs***. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2nd Floor.

The project was presented by Ken Cruse of SunCal Investors, Cora Newman and Julie Cavanaugh of Government Solutions and Cal Woolsey, engineering consultant to Hyatt. The project will consist of 88 timeshare units, a ballroom for 800 guests and a spa. The Draft EIR has noted one significant unavoidable impact, construction noise from the drainage improvements in Jamboree Road.

Chair Drellishak assigned review of DEIR sections to subcommittee members.

3. Discussion of function and structure of EQAC

Council Member Gardner discussed her interest in the City taking action on energy and "green" issues, and asked if these issues should be added to EQAC's role, to supplement the Committee's role in DEIR review. After discussion, the consensus was to continue this item to March 17, 2008. Chair Drellishak asked the members to review the existing duties and structure of EQAC before that meeting, in preparation for the discussion.

4. Consideration of recommendation to City Council on polystyrene food packaging ban.

Robert Rush reported on his research on what other cities are doing on this issue. He will provide a summary of the information for the April meeting.

5. Coastal/Bay Water Quality Committee Representative's Report

Council Member Gardner reported that the committee reviewed a draft Water Conservation Ordinance and the potential for use of artificial turf.

6. Report from Staff on Current Projects

No report

7. Public Comments

Council Member Gardner reported on staff attendance at a green purchasing conference and things the City is already doing. Laura Dietz and John Moftakhar reported on a meeting of the Energy Subcommittee.

8. Future Agenda Items

March: Hyatt DEIR

Energy Subcommittee Strategic Plan and Recommendations
Function and structure of EQAC

Future: Project Presentations

9. Adjournment

Chair Drellishak adjourned the meeting at 9:03 p.m.

DRAFT

To: Jaime Murillo, Associate Planner
City of Newport Beach Planning Department

18 March 2008

From: Environmental Quality Affairs Committee

Subject: Comments on Hyatt Regency DEIR

Reference: Hyatt Regency Newport Beach expansion Environmental Impact
Report SCH NO. 2006121052, February 2008.

EQAC is pleased to submit the following comments on the referenced DEIR in hopes that these comments will help to make the final EIR as complete and responsive as possible. Our comments are presented in the order that items appear in the DEIR with appropriate paragraph and page references.

1. Executive Summary

Pg. 1-13, Table 1-1, item 5.4-1 states that "Limited testing of the new ballroom shall be conductedto avoid construction delays caused by unanticipated finds.....". Is this in addition to the test pits discussed earlier? Why does the ballroom area have to be treated differently than the rest of the project?

Pg. 1-24, Table 1-1, items 5.11-6 states that the "Parking Management Plan shall clearly identify how and where the 467 necessary parking places will be accommodated on-site during construction". However, there is no mention of how the Parking Management Plan will deal with the construction crew parking. How will this be accommodated?

2. Introduction

Pg. 2-2, Section 2.3.2 lists 13 environmental factors that have been identified as potentially significant. However, only 10 of these have been summarized in Table 1-1, (pp. 1-7 to 1-24). It appears that 5.9, Noise, is probably on pg. 1-21 which is missing. The other 2 – Agriculture and Utilities and Service Systems – have been left out completely. Please provide pg. 1-21 and explain the 2 other deletions.

3. Project Description

Pg. 3-9, Table 3-1 does not show any reduction of available parking for the hotel (785 spaces). This may be true at completion, but a significant number of these spaces will be rendered unavailable/unusable during the demolition/construction phases (equipment storage, construction parking, material storage etc.). What provisions are included to assure continuous availability of the needed 785 hotel parking spaces?

Pg. 3-11, Fig. 3-4 shows TS-1 (new building) extending into the Newporter North Environmental Study Area landscape easement and TS-4 (new building) built up to the property line. This leaves not latitude in either building for normal maintenance activity or simple transit around the buildings without intrusion into the easement. It seems that the new buildings should be sited back slightly to eliminate these unnecessary intrusions. Please explain why these intrusions are necessary.

Pg. 3-21 Para.1 describes the construction hours and discusses that there will be nighttime construction for approx 4-6 weeks. Does that time include rain days? Is there a way to do the work during the day so the noise and nighttime glare does not disturb the neighbors? Why? Will the nighttime construction occur simultaneously with the daytime construction? Will that mean that the area may have noise, air quality problems, glare and traffic problems for 18 + hours of the day?

Pg. 3-27, Fig. 3-10, Conceptual Fuel Modification Plan, shows TS-1 (time-share bldg. 1) has a corner of the bldg intruding into the blue zone- Special Treatment Zone- environmentally sensitive area adjacent to coastal sage scrub habitat. Is it allowable to build the building that close to the protected habitat? How large a buffer zone is needed to comply with the Coastal Commission?

Page 3-35: The table leads the reader to believe that there is only one issue that the Coastal Commission has to act on. The DEIR needs to address the issue of the timeshares within the Coastal zone and the steps needed for approval.

5.1 Aesthetics

Several angles were discussed in the consideration of potential view changes in adjoining locations to the project. Does the city have view protection ordinances for any of the residential communities that may be negatively impacted by the project (i.e. Harbor Cove and Sea Island)? If so, additional view angles should be considered. For example, view simulation number two on page 5.1-3 considers a particular view angle from just below Harbor Cove. However, it seems possible that if the angle were changed slightly to the left, there might be a potentially negative view of the project from this elevation instead of where a more aesthetically appealing golf course view once existed.

Has the potential of parking lot lights on the top level of the proposed parking structure been considered from the view point of Sea Island residential community? It seems possible that the increased elevation of the proposed parking level may create a nighttime nuisance for the residents of Sea Island.

5.2 Air Quality

Page 5.2-16, Paragraph 1: The demolition and subsequent construction of a major portion of the existing site has the potential to cause a significant amount of "Fugitive Dust" to the local area. Especially at risk are the individuals at the Bay View Landing due to respiratory concerns. In addition to this, a large number of individuals/groups routinely exercise very close to the project area, via Back Bay Drive (walkers, joggers, bike riders, etc.). On- site tennis courts, local walking trails, bike paths and the Back Bay Waterway are also busy with people exercising. Depending on the wind direction and wind speed, the "Fugitive Dust" and other airborne debris/ matter could have a negative impact on those individuals. Residents of Bay View Landing, Sea Island, Harbor Cove, Villa Point, and guests and/or visitors at The Dunes could be subject to "Fugitive Dust". "Fugitive Dust" and other airborne matter is a significant potential danger to the environment and water quality. What is the "Fugitive Dust Control Plan"?

In addition, the use of diesel powered construction equipment at or near the project is a concern. What is the limitation on idling diesel equipment?

Page 5.2-16, Paragraph 4: Hyatt will be removing a large amount of grass (removal of the golf course), and other mature vegetation. Concrete and buildings will be taking the place of a large section of the golf course; this will result in a lack of vegetation and will have an increase of the global warming footprint of the project. Are there plans to greatly increase planting of vegetation to offset the removal of the golf course and the mature vegetation?

Page 5.2-18, Table 5.2-9, Footnote 2, last bracketed sentence: The developer should be required to cover all loads. Perhaps they should be required to wet down the loads once loaded and prior to covering. Substantial fines should be levied if loads are not covered, in addition to tickets being issued by the California Highway Patrol.

Page 5.2-18, Section – Impact 5.2-4: During Demolition and Construction of the project, they should be required to use only Jamboree Road for vehicle traffic. No vehicles should be allowed on Back Bay Drive past 200 yards (following the current shape of the arched Back Bay Drive road) from the corner of Jamboree and Back Bay Drive. No vehicles associated with the project should be allowed to park, idle or turn around on Back Bay Drive or on Jamboree Road. All vehicles associated with the project should be kept on the Hyatt property. All vehicles exiting onto Back Bay Drive should be required to make a left turn only toward Jamboree Blvd. Under no circumstances should construction vehicles drive down Back Bay Drive past Shellmaker Road. Shellmaker Road should be added to all maps.

Page 5.2-19, Section 5.2-5: This project can cause a respiratory threat to the residents, especially at Bay View Landing. The proponent should be required to change out the air filter systems at Bay View Landing on a frequent set schedule, to be decided by the Management of Bay View Landing. This cost should be paid for by the project.

Work should be curtailed when the prevailing winds are blowing directly toward Bay View Landing or the Coast. Special attention should be given when Santa Ana Winds are present. They should be required to power wash the Bay View Landing project (3) times per year during the Demolition and Construction phase of the project at project expense.

An 800 phone number should be posted at each driveway to the project with signage to the effect, "Please call us if you have any questions, concerns, complaints, etc.." In addition, construction management should have an on site office/trailer where residents can come to review a model of the project, and speak to personnel regarding their questions or concerns.

No mention is made regarding the emissions control from the new 800-seat ballroom. Is the smoking area near the ballroom going to have sufficient filtration to prevent second hand smoke from escaping to the surrounding area?

5.3 Biological Resources

Pg. 5.3-7, Figures 5.3-2 to 4 would be more easily read if they were transparent overlays to the site map. It appears that the new timeshare buildings (fig 5.3-4) invade sensitive eco areas (as shown in Fig 5.3-3, Gnatcatcher Observed Locations). Explain why the buildings cannot be placed to avoid this intrusion.

Fig 5.3-4 does not identify specific plantings that will be placed in the area, nor does it adequately describe what the area will contain after completion of the project.

It appears that sensitive eco areas were disturbed with the original construction of the hotel and golf course. The outline for dealing with the area and creating the "buffer" with sensitive areas is not specific enough. If one were to use magnifying glass on figure 5.3-4 to read the fuel modification zones description, it would appear that the applicant does not intend to do an effective job in this area at all. Too broad, non-specific and ineffective are words that would adequately describe the entire plan for dealing with biological concerns on the project. As a condition to this project, a biologist should be engaged to design, monitor and implement a mitigation and restoration plan, or at least design an effective "buffer" between construction and nature.

Disturbing the coastal sage is not the only issue. Much of the open space will be lost to the increased size of the buildings and hardscape. A biologist (not a biological monitor) should be an integral part of the design and monitoring team on an ongoing basis during the project.

The applicant has a real opportunity to create and maintain an effective ecological zone, restore native species to this area and mitigate the effects of the increased square footage of the hotel and timeshare buildings. This would not only benefit the local community, but the hotel could emphasize to its guests the operator's sensitivity to the local ecology.

5.5 Geology and Soils

Page 5.5-13 Section 5.5.7 Mitigation Measure Impacts 5.5-1, 5.5-3, 5.5-4:

Due to the seismic nature of the area as well as fill expansion that can occur, doesn't there need to be a written plan that demonstrates how the grading will occur? This plan should be in place at the time of project approval, otherwise it may be deemed deferred mitigation.

There were comments made in the Geotech Feasibility Study by Kleinfelder that were not included in the DEIR regarding retaining walls sec 4.9 Retaining Walls, page 25 -

"The earth pressures provided assume that the non expansive backfill will be used and a drainage system will be installed behind the walls, so that external water pressure will not develop. If a drainage system will not be installed, the wall should be designed to resist an additional hydrostatic pressure.".

Will the project include building retaining walls? If so, should these be mitigation measures? If not, a description of what type of walls would be best suited to the project due to boring and locations?

The Study suggested use of water sealing under the buildings and walkways? The pros and cons of this approach should be described. Why not allow for absorption into the surrounding soil?

5.6 Hazards and Hazardous Materials

The Hazard & Hazardous Materials section begins at page 5.6-1 and ends at page 5.6-16. Pages 5.6-1 through 5.6-6 are devoted to a "review" of applicable federal and state "laws and programs." Then the DEIR identifies eight situations ("thresholds") that might cause a significant effect on the environment (*see* page 5.6-6). These are taken from CEQA guidelines, not from any other, local or regional standard, source or authority. The eight CEQA situations are labeled H-1 through H-8 as follows:

H-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

H-2 Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

H-3 Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

H-4 Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

H-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.

H-6 For a project in the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.

H-7 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

H-8 Expose people or structures to a significant risk of loss, injury, or death involving wild land fires, including where wild lands are adjacent to the urbanized areas or where residences are intermixed with wild lands.

On Impacts H-1, H-3, H-6, and H-7, the DEIR is incomplete and needs more data

As the first matter of concern, the DEIR dismisses any discussion of H-1, H-3, H-6, and H-7 on the basis that the Initial Study "substantiates that impacts associated with the following thresholds would be less than significant." The problem with this avoidance of any discussion on the impacts caused by H-1, H-3, H-6 and H-7 conditions is that the Initial Study did not conclude or substantiate that impacts would be "less than significant." On the contrary, the Initial Study stated the following:

Regarding H-1, the Initial Study offered the conclusion (not any data or information of any kind) that "normal cleaning solvents and landscaping products" would be used. And it states that use "of these substances would be minimal" and the use would be "subject to approval by the Newport Beach Fire Department" as if to say therefore it is not a risk. (*see* p. 42 of Initial Study, Appendix A). The use of "minimal" is conclusory and merely someone's opinion - no standards by which the measure of "minimal" was reached are provided in the DEIR. Additionally, there is no information in the DEIR that identifies just how and when this "approval" is sought or given by the Newport Beach Fire Department.

More importantly, the analysis addresses only post-demolition and post-development conditions. Construction will be

going on for a few years, during which time there will, be regular handling and transport of hazardous materials. There is no discussion of the potential impact, and therefore no discussion of mitigation measures.

Regarding H-3, the Initial Study states that the closest school is "approximately" one mile away from the site and therefore "no mitigation measures are necessary." Although this particular CEQA example is limited to concerns regarding schools, the conditions during demolition and construction will not only affect children. They will affect all people in and around the site in that 1/4-mile parameter. Therefore, one must ask the question, what is being done to address the impact of "hazardous emissions" or the handling of "hazardous or acutely hazardous materials, substances, or waste" within that 1/4 mile radius. The other "CEQA thresholds" do not specifically address such conditions.

Regarding H-7, the Initial Study did not provide any analysis of the impacts under the H-7 threshold. And there are several deficiencies in what little analysis was provided. First, the Initial Study states that, "Project review by the Nbfd is required. (see p. 43 of Initial Study, Appendix A). Yet this was never addressed in the DEIR. Second, the Initial Study refers to the "Newport Beach Emergency Management Plan" of 2004, and based upon that plan they do not "expect" the proposed project to "interfere" with the emergency response plans. However, by the Initial Study's own admission, the Emergency Response Plan is updated every three years, which means the Study was based on a city-wide plan that is already outdated by over a year.

Further, there is no discussion in there about the impact caused during the years of demolition and construction involving increased traffic and regular road blockage, to name but a few examples of conditions that would directly affect emergency response and emergency evacuation plans. Again, more information is needed.

On Impacts H-2 and H-8, the DEIR is incomplete and needs more data

Regarding H-2, the Initial Study states that, "further analysis in the EIR is necessary. Mitigation measures will be incorporated as needed." (see p. 42 of Initial Study, Appendix A). But then the DEIR does not provide a full analysis. The debris anticipated from the demolition activities is estimated to be in the range of 233 cubic yards of structural debris and 9,500 cubic yards of concrete, asphalt, and base material. According to the DEIR, the material will be "evaluated" for lead-based paint and ACM.

The first comment is that an analysis of the impact makes no sense until the materials have been evaluated, which could have been performed before the DEIR. The DEIR specifically states that "prior to demolition of the site, building materials will be carefully assessed for the presence of ACM..." and lead-based paint..." (see p. 5.6-13 of DEIR). So, instead of making guess-timations as to the levels and basing conclusions regarding mitigation measures on those guess-timations, why not require the hard data now so as to maximize knowledge on the hazardous materials that are going to affect the community?

Most importantly, the DEIR cites regulations concerning how the hazardous materials are to be handled, and based thereupon reaches the conclusion that no mitigation measures are needed. But there is no discussion of the details of the rules, the enforcement, the consequences of noncompliance, and no discussion of whether they can be complied with at this project -- and if not, what would be done to mitigate the impact for failure of compliance. In summary, the H-2 discussion is missing vital information on the issue of mitigation.

Regarding H-8, the Initial Study states that, "no impact from wild land fires would occur and no mitigation measures are necessary." The basis for that conclusion is that the City's General Plan Update classifies this area as a "low-to-no fire hazard." By the time of the drafting of the EIR, however, "moderate" hazards of wildfires were recognized. Despite this acknowledgement, the DEIR analysis is deficient insofar as it consists simply of a series of quoted passages from the Newport Beach Fire Protection Plan and relies on them as satisfying any need for mitigation. But the DEIR does not affirmatively state that the FPP passages comprise everything the City requires on this issue, and therefore the accuracy and totality of this analysis are questionable.

5.7 Hydrology and Water Quality

Pg. 5.7-17, Para. 4: The DEIR states that, "the City's storm drain system includes mechanisms that minimize flood hazards resulting from high-tide events". Which if any of these mechanisms are located within this project? Will these mechanisms be included in the new storm drain system being proposed?

Pg. 5.7-21, Para. 7 states, "The CLUP of the City of Newport Beach LCP was prepared in accordance with the California Coastal Act of 1976, approved by the California Coastal Commission in Oct. 2005 and adopted in Dec. 2005". This statement runs contrary to the statement below * made by the Coastal Commission on January 16, 2007 and leads the reader to believe that all necessary permits have been acquired and that the process is complete. Please explain the discrepancy.

* "The recently updated and certified 2005 City Of Newport Beach Coastal land Use Plan (LUP) does not specifically allow for limited use/fractional ownership "time share" units in the Visitor Commercial zone. Please be reminded that the CCC recognizes the certified Coastal Land Use Plan and not the City's General Plan for land use planning guidance within the coastal zone.....if such a proposal could be found consistent with Chapter 3 policies of the Coastal Act, the local government should prepare and submit an LUP amendment for (Coastal) Commission review and action. The proposed project will also require a coastal development permit from the (Coastal) Commission".

Pg. 5.7-26 Table 5.7-3 Construction BMP's (Best Management Practices) Under Erosion Control
EC-13 Polyacrylamide- Exactly what is this product? How will it used? Should it be used in an area that is not only close to the Bay, but also an ESHA zone? (Wikipedia states that, "Some research indicates that polyacrylamide can degrade under normal environmental conditions, releasing acrylamide, a known nerve toxin")

Pg. 5.7-28, para. 2 under Operational Phase- As proposed, the project would indirectly discharge into the upper Newport Bay via the MS4 at Back Bay Drive, owned and operated by the City of Newport Beach. Under the current Orange County MS4 Permit (municipal separate storm sewer system), no numerical effluent limitations are required for storm water discharges and no sampling or monitoring programs are required by the owner/developer. However, the long-term operation of the proposed project necessitates the implementation of post-construction BMP's to the maximum extent practicable to mitigate and abate pollutants that may compromise the Newport Bay's beneficial uses and water quality objectives.

Does this mean that no construction mitigation measures are planned- only post-construction?
It seems that demolition/construction phase mitigation is needed.

Pg. 5.7 -33: Underground media filtration will be used in this project in Drainage Areas A, B, & C to provide treatment of sediment, nutrients, trash, oil, grease, etc.. Since this is not the only project of this type, is it not time for the City to set up a schedule for inspection of such filters to ensure they are being maintained properly? Does the City already have such a program?

Since there is so much drainage that flows into and through this area, and since it is such a 'hot spot' and next to an ESHA area would it not be prudent for the City of Newport Beach to do more than just operate a MS4, perhaps have some kind of a treatment facility to ensure the quality of the water to the Bay from this area?

The document needs to state that there will be no black asphalt used.

5.8 Land Use and Planning

The Notice of Preparation (NOP) Initial Study, (IS,) received letters from the California Coastal Commission indicating, issues of concern that the staff (CCC) suggests should be addressed in the project EIR:

1. The recently updated and certified 2005 City Of Newport Beach Coastal land Use Plan (LUP) does not specifically allow for limited use/fractional ownership "time share" units in the Visitor Commercial zone..... The proposed project will also require a coastal development permit from the Commission.
2. The proposed project is adjacent to the Upper Newport Bay Ecological reserve and would be required to meet the City of N.B. Coastal LUP policies for coastal resource protection(provide appropriate buffer areas and setbacks, shield and direct exterior lighting away to minimize impacts to wildlife, prohibit new development that would necessitate fuel modification within Environmentally Sensitive Habitat areas (ESHA, etc).

Yet, when the reader goes to page 2.5, Table 2-1, NOP Comment Summary, they are taken to Section 5.3, Biological Resources, and 5.8, Land Use Planning only to find no answers to the above issues and comments.

The California Coastal Commission response to the NOP asks the following questions:

1. Is the proposed Project consistent with the Coastal Development Plan for this area?
2. Is the proposed project consistent with the with the City CLUP plan for this area?

Are these questions clearly answered in the DEIR?

This last comment may or may not be EQAC related however, it should be included:

The proposed Project, inclusive of the time-share units, is not consistent with CLUP plan for this area. What is the status of the DEIR approval process if an amendment to the CLUP is required for the proposed project?

5.9 Noise

Pg. 5.9-25, Impact 5.9-5: paragraphs 4 & 5 indicated noise impacts for Palisades Tennis Club (PTC) up to 30 dBA in excess of ambient noise during demolition/construction phases which could last up to 2 years.

The sound walls mentioned in 5.9.8 reduce dBA levels by only 5 to 6 dBA. The remaining noise levels would still be 24 dBA in excess of City allowable levels, and Impact 5.9-5 will remain Significant and Unavoidable.

These sound levels will certainly have a negative impact on PTC's ability to act as a recreational and instructional facility, and on the entire adjacent community.

The sound walls proposed as mitigation are really only sound blankets on fences. Are other more effective physical sound barriers being considered? What about multiple blanketed fences? Considering the magnitude of this problem and the long duration of demolition/construction phases, more effective sound barriers should be sought.

The mitigations in 5.9.7 are general, considering potential impact on surrounding residents, PTC, users of Back Bay and Newport Dunes. What additional planning measures have been considered, e.g. phasing of demolition/construction work, to mitigate these impacts?

5.10 Public Services

Pg. 5.10-1, Para 2- The NBFD currently employs 146 full-time and 170 seasonal employees to provide 24-hour protection and response to the City's residents and visitors.

More description of the additional 170 seasonal employees would be helpful to determine their effectiveness in response times.

Para 3 – The paragraph starts with stating, “ The NBFD also handles incidents associated with hazardous materials”. DEIR needs to explain more fully what this statement means in the context of a hazardous material incident vs emergency as stated below.

It then ends with “In case of a hazardous materials emergency, Huntington Beach Fire Department or Orange County Fire Department is called” (It is officially called Orange County Fire Authority-not Department).

Since the Development is adjacent to the Bay, there could be an argument made for the necessity of a detailed plan of exactly what would happen if there was an accidental spill of a hazardous material into the bay, if not in this section, then somewhere in the DEIR, since all the mitigation measures are to be made available to the public.

The Initial Study, IS, done December 2006, brings up on page 29, Environmental Checklist:

“XIV. Public Services. Would the project result in substantial adverse physical impacts associated with ... the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public service”. This was listed as Potentially Significant Impact.

Yet under Executive Summary page 1-22 sec 5.10 Public Services they have been changed to less than significant with no mitigation measures necessary.

Where are the mitigation measures that were implemented to ensure that the response times of both Fire and Police would not be impacted by the 23-month construction period, the lane closures for night construction, the approx 3500 truck trips

x 2 trips per truck since the truck has to go in before it can go out, therefore approx 96 trips per day and 7000 total trips on very congested Jamboree Road?

Also, will the Dover PCH project be going on at the same time? They will also be removing dirt. Will these two projects impact one another with truck trips and therefore further exacerbate response times of emergency vehicles and routes to Hoag Hospital?

5.11 Transportation and Traffic

Page 5.11-1, Section 5.11.1, Paragraph 1: The studies should be conducted to include weekends, especially Saturdays. This will have an effect during large events (Golf Tournaments, Parades) and in the summer months.

Page 5.11-2, Bullet Point 3, Back Bay Drive: This road is one lane each way until Shellmaker Road and then it becomes (1) lane going away from Shellmaker Road and toward San Joaquin Hills Road. No project vehicles, especially construction vehicles, should be allowed on this section of the road.

Page 5.11-1, Map: Need to add in Shellmaker Road on all maps.

Page 5.11-22, Paragraph 2, Last sentence: The DEIR must review the parking demand for weekends, especially if events are held at the new banquet/ball room.

Page 5.11-22, Table 5.11-7, 8 pm line item: Should read 358 and not 359, and should read 427 and not 426.

Page 5.11-22, Paragraph 4: Hyatt needs to address the issue of 127 parking spaces vs. the 140 spaces required by City of NB.

Page 5.11-22,23, Table 5.11-8:

8 am line item should be 105 & 22

10 am line item should be 77 & 50

3 pm line item should be 77 & 50

9 pm line item should be 124 & 3

Page 5.11-22,23, Table 5.11-9:

6 pm line item should be 580 & 332

7 pm line item should be 460 (ok) & 452

Page 5.11-24, Paragraph 1: This section points out the Jamboree Road closure for sewer improvements. The DEIR should be required to study the impact of this work at all hours and on the weekends.

Page 5.11-31, Section 5.11-4: Hyatt should post and require all guests to exit left when exiting out of the Hyatt property and on to Back Bay Road. All valet services, parking, and vehicle retrieval should be kept on the Hyatt property.

Page 5.11-31, Section 5.11-6: Hyatt must accommodate all parking on site. No parking of construction vehicles, equipment or contractor vehicles should be permitted on Back Bay Drive.

9. Significant Irreversible Changes Due to the Proposed Project

Pg. 9-1, first bullet point, identifies a need for “commitment of non-reversible energy resources and natural resources, such as lumber, steel.....” associated with the proposed project.

However, some of these negative impacts could be compensated by the implementation of proven, current “green building” principles including self-contained energy generation, use of environmentally friendly construction materials, water conservative plumbing etc. Are these concepts included in the architectural plans for the proposed project? Has the proponent considered application for some level of LEED (Leadership in Energy and Environmental Design) certification for the project?

Thank you for the opportunity to comment on this important project. We hope that the above inputs help in producing a better project for the developers as well as the surrounding community.

EQAC MISSION

Suggested revised language in italics.

class=Section2>

Mission:

To protect and enhance the environmental quality of the City for the health and enjoyment of residents and visitors.

Purpose and Responsibilities.

A. To review and submit comments during the public review period (upon publication of the Notice of Preparation (NOP) and/or the Notice of Completion (NOC) with respect to any Environmental Impact Report (EIR) prepared by the City.

B. If requested by the City council or the City Manager, and subject to the approval of the City Council or City Manager, submit, on behalf of the City, comments on any environmental document prepared by another public agency for a Project that has the potential to cause significant adverse environmental impacts in the City of Newport Beach.

C. The Committee may review and submit comments on any negative declaration prepared by the City for any project that is not subject to the review and/or approval of any other Board, Commission or Committee without first receiving a request from the City Council or City Manager.)

D: Advocate for policies , programs and projects that improve the environmental quality of the City and oppose policies, programs or projects that detract from or negatively impact that quality.

E: Provide education on good environmental practices

F. To request the City Manager to schedule presentations from City staff relative to activities with the potential to impact the environment and quality of life issues.

G. To request the City Manager and/or City Council to schedule a presentation from members of the Committee to the City Council relative to any action of the Committee or any activity that the Committee has determined could have a significant effect on Newport Beach.

Suggested by Robert Hawkins:

To schedule, receive, and report to the Council on, presentations from City officials or other parties on activities impacting the environment with proposed solutions for consideration.

INTRODUCTION

The Newport Beach General Plan, in Section 24 of Natural Resources section, puts forth the energy conservation goal: "Increased energy efficiency in City facilities and operations and in private developments."

Policies supporting that goal include:

NR 24.1 Incentives for Energy Conservation

"Develop incentives that encourage the use of energy conservation strategies by private and public developments."

NR 24.2 Energy-Efficient Design Features

"Promote energy-efficient design features."

NR 24.3 Incentives for Green Building Program Implementation

"Promote or provide incentives for 'Green Building' programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve 'green building' status."

NR 24.4 Incentives for Provision of LEED Certified Buildings

"Provide incentives for implementing Leadership in Environmental and Energy Design (LEED) certified building such as fee waivers, bonus densities and/or awards recognition programs."

Implementation 7.1: "The City should also consider revisions of Title 15 to foster the use of 'green-building' techniques that have not been traditionally used in the City, as well as other appropriate revisions to achieve the Plan's policy objectives."

STRATEGIC PLAN

There are a number of actions EQAC can take to help the city achieve the energy efficiency goal expressed in the General Plan.

FORMATION OF A GREEN BUILDING WORKING COMMITTEE

This committee would be made up of members of EQAC and the General Plan Implementation Committee who have expressed interest in implementing Section 24. Their mission would cover two areas:

EIR GLOBAL WARMING REQUIREMENTS

EIR's have a new global warming requirement. At this point, the city has no standards to apply, and this is a natural outgrowth of EQAC's traditional role.

1. Develop proposed standards for global warming requirements
2. Submit to appropriate staff for review and forwarding to Council

GREEN INCENTIVES

1. Review incentive programs of similar cities
2. Develop proposed incentive program
3. Submit to appropriate staff for review
4. Present to Council.

EDUCATION

Because there is so much information available, providing access to information on improving energy efficiency is an easy action item.

Information Kiosk

There are innumerable brochures available at no cost that provide information on green building, water-sensible gardening, etc. This would be placed outside the Building/Planning Department and stocked on a regular basis by EQAC members.

1. Price and select the preferred model
2. Get approval of the concept by the Council
3. If city funding is not available, seek outside funding in exchange for recognition on

the kiosk.

City Web Site

The city web site is a natural place to provide information. EQAC would provide the information, and city staff would incorporate it.